

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:19CR168-1
	:	
DANIEL GRANT COWART	:	

FACTUAL BASIS

NOW COMES the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states as follows:

On June 6, 2018, officers from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (the “ATF”) and the Concord Police Department (“CPD”) conducted a controlled buy of methamphetamine from Daniel Grant Cowart (“COWART”) using a cooperating defendant (the “CD”). The CD met COWART at COWART’s hotel room located in the Quality Inn at 1601 Concord Parkway North in Concord, North Carolina, where COWART was staying while working on a nearby chicken farm. The CD had previously purchased methamphetamine from COWART on April 12, 2018, at the same hotel. During this period, COWART’s permanent residence was outside Atlanta, Georgia.

Inside the hotel room, the CD purchased approximately four ounces of methamphetamine from COWART in exchange for \$2,000. The CPD equipped the CD with audio-video recording devices, which captured the transaction. The Drug Enforcement Administration tested the substance that COWART sold to the CD on June 6, 2018, and found it to be 110.8 grams of d-methamphetamine hydrochloride with a purity of 97 percent.

Subsequently on June 6, 2018, the CPD obtained and executed a search warrant for COWART's hotel room. Inside the room they recovered empty zip-lock bags, consistent with those which contained the purchased methamphetamine, from the bottom of the toilet. They also recovered a Walther P-22, .22 caliber handgun (serial number L131047).

As of June 6, 2018, COWART had been convicted of a crime punishable by imprisonment for a term exceeding one year within the meaning of 18 U.S.C. §§ 921(a)(20) and 922(g)(1). Specifically, he was convicted of felony possession of methamphetamine in the Oglethorpe County Superior Court in Lexington, Georgia, on June 23, 2014. He was sentenced to three years imprisonment. Therefore, COWART knew, as of June 6, 2018, that he was a convicted felon and prohibited from possessing a firearm.

In a post-arrest interview after receiving a Miranda warning, COWART acknowledged selling the CD approximately four ounces of methamphetamine

on June 6, 2018. He also acknowledged possessing the gun.

Special Agent Jason Murphy of the ATF conducted an interstate nexus examination of the Walther P-22 recovered from COWART's hotel room. He found that gun was not manufactured in the state of North Carolina, and therefore, had traveled in or affected interstate commerce.

This, the 29<sup>th</sup> day of October, 2019.

Respectfully submitted,

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